

Jan 6

Stats by **406 MT SPORTS** (<http://stats.406mtsports.com/>)

<	Boys Basketball	Final		Final		Final		Final		Final		Final		Final		Final		
		Dutton-Brady	59	Corvallis	49	Absarokee	66	Missoula Hellgate	32	Lincoln	35	Scobey-Opheim	59	Lodge Grass				
		Valler	63	Thompson Falls	45	Fromberg	54	Missoula Sentinel	37	Seeley-Swan	44	Saco-Whitewater-...	46	Huntley Proj				>

http://billingsgazette.com/news/local/prison-riot-still-disturbs-former-officials/article_145dda46-dcaa-526a-b768-27e14ff3ade9.html

91 prison riot still disturbs former officials

Sep 22, 2001

The Associated Press

HELENA (AP) — It was Sept. 22, a clear, crisp autumn Sunday morning that was about to become a crazed, bloody melee of rage, destruction and death.

The riot at the Montana State Prison a decade ago left five inmates dead, the maximum-security building in ruins, and prison officials condemned for poor security and ignoring warning signs that the riot was coming.

The four-hour riot spawned dozens of lawsuits, cost the state almost \$4 million in legal battles and led to major changes in prison operations and funding.

This was a real turning point in corrections in Montana, said Warden Mike Mahoney, who was an associate warden at the time of the riot.

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The prison outside Deer Lodge is a better and safer place than 10 years ago, Mahoney said, because of more and better-trained staff, an increased budget and tighter security.

But, he said, that doesn't mean another uprising can never occur. Until you can eliminate human error, all it takes is the wrong set of circumstances at the right time, and bad things can happen. Bad things happened that fall day in 1991.

Inmates were able to get control of the maximum-security building, located in the northwestern corner of the prison. They caused extensive damage during the rampage and murdered five inmates being held in protective custody because they were informants.

A team of armed officers used tear gas to retake the building after authorities determined that inmates were being injured.

An investigation financed by the National Institute of Corrections and conducted by a team of law enforcement and corrections experts concluded that a history of chronic staff security violations and a failure to heed warning signs of a looming riot allowed it to occur.

The report also found prison staff had engaged in a systematic coverup of what investigators called improper and unnecessary force against inmates in the hours immediately after the riot ended.

The document was so damning that Curt Chisholm, Institutions Department director at the time, said six weeks after its release he almost wished that he had not asked for the investigation.



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You could have made up half the stuff in the report, he said last week.

But McCormick, who resigned as warden in July 1993 and has been personnel director for Butte schools since, acknowledges that security was a problem. There were obviously lapses of security that occurred that day, he said. Did those lapses in security give inmates the right to kill somebody? No.

Chisholm, too, believes inmates took advantage of staff carelessness. We found ourselves becoming very complacent about implementation of security policies that were intended to prevent this thing and allowed lapses that shouldnt have been allowed, he said.

The state filed charges against 15 inmates in January 1992, accusing 14 of having a hand in the murders. Nine pleaded guilty to various charges and six were convicted by jurors of various crimes.

Fifty-four lawsuits against the state or prison officials were filed over the riot in state and federal courts. Thirteen asking for millions of dollars in damages were filed over the slain and injured inmates. Afterward, the rest accused prison staff mistreatment of inmates.

The state spent \$2.4 million defending its employees and ended up paying less than \$11,000 in damages for the inmate claims of abuse.

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However, a state district judge found that the prison officials had been negligent in running the maximum-security unit, and the state paid \$880,000 to settle the suits filed by dead inmates relatives and injured prisoners.

After an investigation into inmate accusations of mistreatment, the U.S. Justice Department found no evidence of criminal violations of civil rights. But it did sue the state over conditions at the prison, specifically the way vulnerable inmates were protected.

Questions were raised about whether the riot was staged to kill the informant-inmates or merely to air grievances of those housed in maximum security. Investigators and most officials believe the latter and that the murders were crimes of opportunity. Amid the riot, inmates prepared a list of demands that they wanted the news media to see. They sought investigations into the quality and availability of food and medical care, lack of exercise, use of restraints and discrimination against American Indian inmates.

Sparked by complaints over medical care after the riot, the American Civil Liberties Union sued the state over that issue.

Mahoney said the riot and its legal aftermath contributed to changes at the prison.

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there. Smoking is outlawed and so are matches.

Security policies and management responsibilities are more clearly defined, medical staffing increased, and prison officials outside the maximum-security building are able to override the system used to open cell doors.

Mahoney believes that increases in the prisons budget and guards during the 1990s had their roots in the riot. The budget grew almost 44 percent, to \$23.3 million this fiscal year, and the number of uniformed officers increased 14.4 percent to 316. At the same time, the number of inmates in the prison rose by less than 8 percent.

Scott Crichton, executive director of the ACLU chapter in Montana, said his organization believes that more improvements are needed in medical care at the prison, although it is better than it was.

McCormick, Chisholm and Mahoney said they have few, if any, second thoughts about how authorities handled the riot.

Ive spent hours and hours going over events of that day, the days leading up to it, McCormick said. Im pleased with the way the staff reacted, the way they handled themselves. I dont have any regrets.

Chisholm said hes convinced the speed with which the riot was ended saved lives of inmates and five guards who had barricaded themselves in a shower room.

However, he said he wished he had allowed a reporter who accompanied him to the prison that day to visit the field where the

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I wish I had not got caught up in this prison confidentiality and let the press go out and observe what was going on, he said.

Mahoney said the experience hardened him and was a stark reminder of the tense and dangerous environment that is prison. Memories of that day are always near the surface, he said.

There aren't many days that go by that you don't think that five people lost their lives in an institution you were partly responsible for, Mahoney said.

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Chronology of Events

A chronology of events stemming from the 1991 riot at the Montana State Prison, as compiled from government records, investigation reports and news accounts.

Sept. 22, 1991 — Inmates in the maximum-security building at the Montana State Prison riot, killing five inmate informants and injuring eight others.

October 1991 — State requests independent investigation into the riot and asks for U.S. Justice Department probe of allegations that inmates civil rights were violated.

December 1991 — Riot at Max, a 104-page independent report on the uprising, is released by the Corrections Department.

January 1992 — Justice Department begins investigation of conditions at prison.

February 1992 — Seven guards are suspended without pay, for five to 30 days, for violating prison policies.

April 1992 — In response to a news media lawsuit, the state Corrections Department releases its report that exonerates top prison officials of wrongdoing in connection with the riot. The department, complying with a court order, also releases a plan to address prison problems identified in two reports on the riot.

July 1992 — First trial of inmates charged with riot-related crimes.

October 1992 — Justice Department decides no criminal violations of



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rights.

November 1992 — Negligence claims asking for at least \$2.5 million in damages are filed by families of the five dead inmates and by eight inmates injured in the riot.

January 1993 — Last trial of inmates charged with riot-related crimes.

October 1994 — State settles ACLU lawsuit.

December 1994 — Justice Department files suit over medical care at prison, fire and safety issues, and handling of predatory and vulnerable inmates.

January 1995 — State agrees to pay \$150,000 to the family of slain inmate Gary Evans.

November 1995 — District judge decides state is negligent in deaths and injuries that occurred during riot.

December 1995 — U.S. magistrate finds prison officials show deliberate indifference to the dangers faced by inmates and says judge should order the state to correct the problems.

March 1996 — Five guards, barricaded in shower stall during riot, sue the state for emotional distress.

August 1996 — A federal judge rejects the magistrates findings of deliberate indifference and orders a trial. Separately, a magistrate finds five inmates, left naked and hogtied in shackles for up to 43 hours after the riot, were subjected to cruel and unusual punishment in violation of



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January 1997 — State settles U.S. Justice Department lawsuit over conditions at the prison by agreeing to identify predatory inmates and protect targets of their aggression.

April 1997 — A federal judge agrees that civil rights were violated when naked prisoners were hogtied for long periods. State agrees to pay \$60,000 to the parents of Ernest Holliday, who was killed during the riot.

June 1997 — Montana Supreme Court rules prison officials are not immune from 11 remaining lawsuits filed by families of dead inmates or by injured inmates.

September 1997 — Federal judge rules prison officials have no immunity from lawsuits charging them with responsibility for mistreating inmates after the riot.

March 1998 — Federal trial begins on allegations of 13 inmates that their treatment at the hands of prison staff after the riot violated their civil rights. Eight cases are dismissed. Separately, state agrees to pay family of slain inmate Ernest Mazurkiewicz \$70,000.

April 1998 — A federal jury finds prison officials responsible for abusing five inmates after the riot, but awarded them a total of only \$5,103. State settles remaining civil claims by agreeing to pay 23 inmates a total of \$5,750.

May 1998 — Lawyers for inmates bill the state \$1.8 million for legal services.

June 1998 — State agrees to pay \$122,750 to one lawyer representing



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Baker and Edmund Davison and eight injured inmates a total of \$600,000 to settle their claims.

December 1998 — State settle claims of five guards for \$225,000.

April 2000 — Federal judge awards \$327,000 to cover services of other lawyers representing inmates in civil rights suits.

May 2001 — Court-appointed monitors conclude prison has complied with most settlement conditions imposed to resolve the Justice Department suit.

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